

## PRIVATIZATION OF SECURITY IN THE 20TH CENTURY. FROM MERCENARIES TO PRIVATE MILITARY CORPORATIONS

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### Abstract:

*The present paper aims to emphasize the context of the privatization of security in the 20<sup>th</sup> century and to show the differences between these newly created corporations and the old mercenaries. Moreover, it also highlights the changing the role of mercenaries and their way of action in contemporary peripheries, which erase the idea of what they previously meant and give us a different view regarding their position in the midst of intra-state wars of the period. If in the past centuries the states were contracting mercenaries to take part in hostilities during armed conflicts, whose main motivation was to obtain personal benefits and privileges, now they would rather take into account the private security services. Furthermore, the privatization of violence and the emergence of private military corporations is described, and information is provided on one of the most well-known corporations, namely Blackwater.*

**Keywords:** mercenaries, Private Military Corporations, Private Security Companies, war, Blackwater.

### Introduction

From the mid-seventeenth century to the early twentieth century, inter-state wars in Europe were relatively short, with a few exceptions. During this premodern period, both parties wanted to resolve their dispute through a struggle that would lead to peaceful negotiations. Napoleon and

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Moltke the Young have perfected a form of war based on the concentration of forces in time and space. "The war was both declared and concluded in accordance with certain rules."<sup>1</sup> It began with a declaration of war and ends with a peace agreement. Unlike these, the new wars are not characterized by concentration, but by the dispersion of forces in time and space.

Civilian administrations have sought to enter into a contractual relationship with "small units of professional soldiers."<sup>2</sup> Once these arrangements came into operation, members of the public administration had greater control over the armed forces of the state by appointing their own officers. In this way, state authority extended beyond military issues, which made mercenary armies become permanent armed forces of the contracting states. The practice of ending collaboration with professional soldiers at each end of the campaign and then re-naming them for a new campaign has proven to be extremely costly. The most convenient way to manage, from a financial point of view, was to turn the armed forces into permanent army.

### **The changed role of mercenaries in contemporary wars**

The contemporary period witnessed transformations with respect to the nature and dynamic of armed conflicts. In the wars that we have become accustomed to throughout history until the beginning of the 20th century, 90% of those killed or wounded in combat were to be defined as warriors in accordance with international law. In contrast, in the new wars of the late 20th century, the image of the victims was almost opposite, meaning that 80% of those killed or wounded in combat were simple civilians and only 20% were soldiers and therefore combatants.<sup>3</sup>

At the same time, the number of inter-state wars decreases considerably, but the number of intra-state wars increases dramatically.

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<sup>1</sup> Herfried Münkler, *The New Wars*, Cambridge: Polity Press, 2005, p. 11.

<sup>2</sup> Christopher Kinsey, *Corporate Soldiers and International Security. The rise of private military companies*, Abingdon: Routledge, 2006, p. 35.

<sup>3</sup> Herfried Münkler, *op. cit.*, p. 14. See also, Mary Kaldor, *New and Old Wars. Organized Violence in a Global Era*, Stanford: Stanford University Press, 1999; Laura M. Herta, "Herfried Münkler, *The New Wars* (book review)", in *Studia UBB Europaea*, (LX), no. 4, December 2014, pp. 211-218.

Moreover, the critical issue is that in the new wars the force is not directed against the enemy's armed force, but to the civilian population.<sup>4</sup>

By the *statization* of the wars of this period, the commercialization of the military force spreads. One of the essential elements of the new wars is the loss of the state monopoly over the military force.<sup>5</sup> Although attempts were made to replace the mercenary troops with permanent national armies, the thirst of the mercenaries for wealth motivated them to make their presence felt in contemporary wars, especially in civil wars in Africa.

After the Cold War, they were back in the internal conflicts of the states. Because of the increasing involvement in conflict, professional militaries were seen as a natural presence on the battlefields.

Just as before, mercenaries' war skills still exceeded those of soldiers enrolled in national armies, which outlined their status as military elites.

The only way to maintain and enhance these skills was by constantly engaging in exhausting and outstanding workouts. With the passage of time, training techniques are renewed, advancing, which makes their day-to-day work easier. Also, the emergence of new, more modern types of weaponry requires knowledge of how to use it, which demonstrates the impetus of periodical training.

Unlike in the past centuries, when mercenaries frightened every human soul they encountered, they appear to be in a different light in the contemporary period. If until now they were involved in any struggle only for their own advantages and were able to "step through the corpses" to get them, they now appear to intervene in some battles only to help them end faster or, as in the case of the civil war in Sierra Leone, they can help the population escape the tyranny of dictators or powerful groups that take hold of states and create horror.

Even though in these cases mercenaries pursue their own interest and personal well-being, they are no longer the same puppets indoctrinated to kill, mock or torture innocent people but, they are showing that they are capable of doing activities that have positive effects, being even collateral ones.

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<sup>4</sup> Münkler, *op. cit.*, p. 14.

<sup>5</sup> *Ibidem*, p. 16. See also Laura M. Herta, „Aspecte ale sociologiei și analizei relațiilor internaționale. Dihotomia războaie noi – războaie vechi” (Aspects of Sociology and Analysis of International Relations. The ‘new wars’-‘old wars’ Dichotomy), in Liviu Țirău, Ștefan Melancu (eds.), *Interferențe euro-atlantice*, Cluj-Napoca: EFES, 2013, pp. 444-456.

Thus, the military elites are still capable of demonstrating their "craftsmanship" on battlefields, coming with a different attitude in contemporary wars. It is difficult, if not impossible, to consider mercenary troops able to carry out peacekeeping actions, but the change of their role in the current conflicts is quite visible.

### **From mercenaries to Private Military Corporations**

The term *mercenary* includes a broad category of military activities, but much of them have little in common with those deployed by today's military/private security companies. Private Military Corporations (henceforth PMC) today provide logistical support, training, security, intelligence, risk analysis, and more, while mercenaries continue to offer the same services as they did at first, though their work is rarely encountered.

Although mercenaries have slowly come out of the "graces" of the leaders since the 17<sup>th</sup> century, a process intensified by the First World War, being gradually replaced by the permanent armies of the states, they do not disappear from the landscape of international relations. The demand for SOF has reborn due to their proven skills during the Cold War, especially in Africa. However, with the overthrow of the Communist regime ending the Cold War, a new form of military organization, based on a private corporate approach, emerges in the foreground. Private military corporations have begun to take on military training roles, usually in states that have recently gained independence.<sup>6</sup>

Governments are still dependent on their military forces to protect their vital borders and interests. But with the end of the Cold War, they began to turn to support this new security actor. Today, the international system is experiencing a huge increase in the number of PMCs operating on the international scene. They are in every aspect the global actors operating on every continent.<sup>7</sup>

The PMCs can be defined as legally established international firms that provide services involving the possibility of exercising force in a systematic manner, by military or paramilitary means, as well as the

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<sup>6</sup> Donald Stoker, *Military Advising and Assistance. From mercenaries to privatization, 1815–2007*, Abingdon: Routledge, 2008, p. 6.

<sup>7</sup> Christopher Kinsey, *op. cit.*, p. 1.

consolidation, transfer, facilitation, discouragement or defamation of this potential, or the necessary knowledge to implement them for their customers.<sup>8</sup>

The appearance of private military corporations seemed to announce the existence of a new world of mercenaries. However, if several decades ago the mercenaries were poorly organized and extremely visible, the new PMCs were rigorously kept, without claiming the mercenary's old-fashioned charm. Despite the efforts of private military corporations to present themselves as legitimate subjects with business concerns other than mercenaries, they did not escape this label.<sup>9</sup>

With the entry of PMC on the platform of international relations, the military force market is gaining considerable proportions. This market is like *a two-edged sword*. On the one hand, pessimists argue that private security *threatens* to undermine state control over violence and democratic processes, seeing it as a sort of group of corporate mercenaries. On the other hand, optimists say private options offer *solutions* to hard-to-resolve security issues that can work in accordance with national interests or the values shared by the international community.<sup>10</sup>

If we look closely at these private military corporations and the international attitude towards private power in general, they suggest that private power is increasingly accepted and efforts to control it have failed one by one. These are highlighted by the low influence of the United Nations *Convention against the Recruitment, Use, Funding and Training of Mercenaries* in the 1990s. In 1989, after nine years of work to complete it, it was ratified only by African states with a particular problem with mercenaries. The Convention entered into force only in 2001, which demonstrates the lack of interest of States in this regard.<sup>11</sup>

The PMCs, being created shortly after this Convention, managed to impose themselves in the international environment. Legitimate commentators analyze the "phenomenon" of the PMC, stating that its success is not based

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<sup>8</sup> Carlos Ortiz, *Private Armed Forces and Global Security. A Guide to the Issues*, Santa Barbara: Praeger, 2010, p. 48.

<sup>9</sup> Sarah Percy, *Mercenaries. The History of a Norm in International Relations*, New York: Oxford University Press, 2007, p. 206.

<sup>10</sup> Deborah D. Avant, *The Market for Force. The Consequences of Privatizing Security*, New York: Cambridge University Press, 2005, pp. 4-5.

<sup>11</sup> Sarah Percy, *op. cit.*, p. 208

solely on the Convention (and, implicitly, Article 47) erroneous, but on the fact that it cannot be applied to private military corporations due to the identified gaps in content identified. For example, *Executive Outlines* and *Sandline* (both are PMCs) due to the fact that they said they would only work for sovereign states and due to their incorporation into the structure of the armed forces of the state that hired them, they cannot be considered mercenary troops.<sup>12</sup>

Despite the fact that the PMC did not meet a categorical rejection, they were not accepted globally. The accusations made against them reflect the influence of the anti-mercenary rule. The existence of concessions and the apparent predilection of the PMC to intervene in countries with easy natural resources seem to suggest that the new *war dogs* were just as keen to work for their own interests as the old ones, which undermines the PMC attempts to be known as non-mercenaries. The fact that these companies are private entities designed to be financially successful has done little to diminish the comparison.<sup>13</sup>

Both mercenaries and the PMC have the potential to cool relations between the state and its citizens, and can ease the attainment of a state's interest in using force, becoming tyrannical, or in supporting a civil war.

But the state that decides to privatize the use of force is more morally responsible for disrupting democratic control over the use of force than the private actor it employs.<sup>14</sup>

Despite the criticism, private military companies provide military and security services to states, international organizations, non-governmental international organizations, global corporations and wealthy people. States that have contracted private military services range from extremely powerful and capable as the United States, to failed states like Sierra Leone. Meanwhile, major global corporations have hired PMC to provide site security and planning, and international non-governmental organizations working in fragile conflict areas or territories have done the same.<sup>15</sup>

Today, the PMC undertook a series of activities, which until now had been the responsibility of the state military. Such activities can be

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<sup>12</sup> *Ibidem*.

<sup>13</sup> *Ibidem*, p. 216.

<sup>14</sup> *Ibidem*, p. 237.

<sup>15</sup> Deborah D. Avant, *op. cit.*, pp. 7-8.

divided into: operational military support, military advice, logistical support, security services and crime prevention services.<sup>16</sup> Moreover, the existence of strategic complexes of different states has opened a space for private military force. The security capabilities of the PMC are rapidly becoming an essential component of strategic complexes. Undoubtedly, private soldiers specialize in these skills, demonstrating first-class military skills. Many former soldiers, now employed by the PMC, have served in the world's most important armies, especially the American, British and French armies considered to be the most "refined" in the world.<sup>17</sup>

It is confirmed that often criticism of the presence of fighters in private military corporations are unfounded, context-free. The worst reason for criticism is the poor performance they have in front of opponents who have been underestimated.<sup>18</sup> People's reluctance comes from the analogy between PMC and mercenaries. Considering the fact that there are contradictions and blurs in this respect even among the specialists in the field, the feeling of rejection on the part of the masses comes naturally.

So far, there have been changes in industry that have sought to distinguish between PMC and mercenaries, recognizing the first's right to exist and incriminating the latter. Then mercenaries began to look similar to different criminal individuals, in the sense that they were in fact projected into the illegal force of a contract killer, while today a security counsellor working for PMC only takes over from the client a work legally constituted by him.<sup>19</sup>

However, not all the sectors go in the same way as the industry, but there is still a strong sense of hostility towards PMC, especially in the media sectors, which still refer to them as mercenaries. These labels are given without taking into account the true nature of PMC, and tend to reflect previous perceptions of private security, which are, it can be said, overcome.<sup>20</sup>

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<sup>16</sup> Christopher Kinsey, *op. cit.*, pp. 2-3.

<sup>17</sup> *Ibidem*, pp. 55-56.

<sup>18</sup> Donald Stoker, *op. cit.*, pp. 228-230.

<sup>19</sup> Christopher Kinsey, *op. cit.*, p. 65.

<sup>20</sup> *Ibidem*, p. 151.

As a result, the emergence of private military corporations on the international scene has been marked by controversy from the start. They have never been sufficiently used and accepted to be a challenge to international law against the use of mercenaries. All types of combat services provided by the PMC were far too controversial to be widely accepted. While some have suggested that this market is the release of another type of mercenary, others argue that this is simply the expansion of privatization in the sphere of national security.

Due to the above mentioned facts, the privatization of military forces has become an increasingly popular topic in the study of international security. The profound involvement of private military contractors in recent wars has highlighted the key role that these actors play in contemporary conflicts.

### **Privatization of security: *Blackwater***

In the twentieth century, mercenary writings focus on analysing their behaviour since the 1960s and the emergence of private military corporations and the privatization of security in the last decade of this century.<sup>21</sup> As PMC claims to be differentiated from mercenaries, Private Security Companies (henceforth PSC) tend to present themselves as separate entities of the PMC.

Together with private military corporations, PSCs are currently widely used in government circles. Despite the differentiation of the two entities, some specialists in the field contend that the term *Private Security Companies* is nothing more than a more elegant name for private military corporations. However, the term PSC is often out of context and applied to conventional security companies.<sup>22</sup>

The emergence of PMC and PSC does not necessarily suggest that the international environment is more responsive to the use of private power. Rather, the reaction to these newly established societies and the evolution of the industry from the one that promotes active battles to the one that avoids them, demonstrates that the anti-mercenary rule still leaves its mark on the strategies of that period. Moreover, in order to pave the

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<sup>21</sup> Sarah Percy, *op. cit.*, p. 2.

<sup>22</sup> Carlos Ortiz, *op. cit.*, p. 45.



way for wider acceptance, the PSC emphasizes that they are not engaged in any active struggle, but especially insist that they are neither PMC nor are they made up of mercenaries.<sup>23</sup>

If, on the one hand, the private security market has an explosion, on the other hand, the market for the private military force begins to diminish, creating an inverse process in terms of the evolution of the two markets.

Private security companies provide a wide range of services, including both external security tasks like border protection and internal security, such as maintaining order within borders. The PSC also provides internal security, ranging from territorial security (armed and unarmed), crime prevention, and intelligence.<sup>24</sup>

The services offered by the PSC can be divided into four main categories: logistical support, operational or tactical support, military counselling and training, and security. Logistic support entails tasks such as food preparation and delivery, cleaning and, at the same time, maintenance tasks at military bases. Tactical or operational support can best be explained as providing services that are normally considered to be exclusively for national armed forces. These services may include military interrogation, or even the operation and support of weapons systems. Ensuring military counselling and training is a significant part of the PSC's work. Members of private security companies train the armed forces, police forces and auxiliary forces.<sup>25</sup>

The use of the PSC by non-governmental organizations (from now on NGOs) and by the United Nations highlights the degree of development of this industry. They use private security companies to provide security to their staff, to the humanitarian aid, and in the refugee camps. In these roles, PSC's work is predominantly defensive and counter-opposed to fighting.

However, even the UN and other NGOs see this type of security as controversial and are reluctant to discuss officially that they are using the services provided by private security. Many NGOs express feelings of horror and indignation as to the need to work with the PSC and are sensitive to the negative publicity that may result from open discussions on the use of commercial security providers.<sup>26</sup>

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<sup>23</sup> Sarah Percy, *op. cit.*, pp. 206-207.

<sup>24</sup> Deborah D. Avant, *op. cit.*, p. 16.

<sup>25</sup> Sarah Percy, *op. cit.*, pp. 225-226.

<sup>26</sup> *Ibidem*, p. 229.

Moving from private military corporations that focused on combat services to private security companies, which aimed at actively avoiding battles, can be explained by the rule against the use of mercenaries. PSCs are less controversial than PMC, because they avoid offensive combat and can therefore minimize the effect of the tasks they are struggling for in return for earning financial gains.<sup>27</sup>

One of the most famous private military and security corporations is the American company *Blackwater*. It was established in 1995 by former US Navy Officer Eric Prince in North Carolina. *Blackwater* was born exactly the same way the American army did in the midst of a massive and unprecedented privatization of the armed force.<sup>28</sup>

The company currently owns two aviation service companies operating over 50 airplanes and helicopters and a naval ship about 56 meters long for naval training. In addition, *Blackwater* owns a factory that produces special armoured machines, which are hoped to be sold to the armies, as well as mobile metal targets for training. Their intelligence service, called *Total Intelligence Solutions*, is under the leadership of former *Central Intelligence Agency* officials (henceforth CIA), including even personalities who worked in anti-terrorism units in the CIA and the State Department of the United States, the US Navy or the *Federal Bureau of Investigation* (henceforth FBI).<sup>29</sup>

Like any PSC, *Blackwater*, in addition to providing security, it also offers military counselling and training. The first military training contracts came in 1998. For the next few years, the company worked with law enforcement agencies and small military units. All these changed after October 2000, following the suicide attempt in the Yemen Aden port claimed by Al-Qaeda. This serious incident, which resulted in the death of 17 sailors, highlights the navy's poor training to defend itself against this new and unpredictable threat, which prompts leaders in this area to ask for better training. The *Blackwater* employees, many of whom were former

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<sup>27</sup> *Ibidem*, p. 231.

<sup>28</sup> Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army*, New York: Avalon, 2007, pp. 89-92.

<sup>29</sup> Robert O'Harrow Jr. and Dana Hedgpeth, "Building Blackwater", in *The Washington Post*, 13<sup>th</sup> of October 2007, [http://www.washingtonpost.com/wp-dyn/content/article/2007/10/12/AR2007101202487\\_2.html?sid=ST2007101202550](http://www.washingtonpost.com/wp-dyn/content/article/2007/10/12/AR2007101202487_2.html?sid=ST2007101202550). [accessed on January 17, 2018].

navy pilots or Special Forces, take advantage of this situation to promote the company.<sup>30</sup>

Subsequently, the terrorist attacks of September 11, 2001 completely change the security landscape. Suddenly, everyone, from corporate America to the Defence Department agencies and the rest of the government, felt the need to protect against imminent terrorist threats. Again, Blackwater has the chance to be remarked in the Special Forces community. Not long after the Twins Tower Attacks, the company is urged to provide emergency and classified assistance to Afghanistan, which confirms that this company has begun building its name internationally.<sup>31</sup>

The company's earnings have begun to reach colossal amounts once the August 2003 contract was signed, which puts them right at the heart of the Iraq conflict. But even if the financial situation is satisfactory, during this conflict, *Blackwater* undertook a series of activities that changed the perception of the world over them, suffering a huge fall. They become globally known for their negative publicity in 2007, when a group of four of their employees killed 17 unarmed civilians with cold blood and 14 others were seriously injured by them.<sup>32</sup>

The defendants were tried in the US, and even if their position in court was focused on declaring that they were being ambushed, witnesses to the actions of the "new mercenaries" declared the opposite, stating that they did not come under attack. Several Kurds who were at the crime scene said they had not seen anyone pointing the guns against the mercenaries, their words being corroborated by forensic evidence.<sup>33</sup>

The tragedy began when a convoy of guards suddenly started using firearms, such as rifles, machine guns, and grenades, in a crowded intersection, which is not a war drama but the result of a criminal act. One

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<sup>30</sup> *Ibidem*.

<sup>31</sup> *Ibidem*.

<sup>32</sup> Spencer S. Hsu, "Blackwater guards facing 30 years for 2007 Iraq shootings ask for leniency", in *The Washington Post*, 30<sup>th</sup> of March 2015, [https://www.washingtonpost.com/local/crime/blackwater-guards-facing-30-years-for-2007-iraq-shootings-ask-for-leniency/2015/03/30/2034c4a0-d715-11e4-ba28-f2a685dc7f89\\_story.html](https://www.washingtonpost.com/local/crime/blackwater-guards-facing-30-years-for-2007-iraq-shootings-ask-for-leniency/2015/03/30/2034c4a0-d715-11e4-ba28-f2a685dc7f89_story.html). [accessed on January 17, 2018].

<sup>33</sup> Ali al-Fadhily, "The recent attacks by Blackwater USA mercenaries in Iraq are far from the first", in *Noticias Financieras*, 31<sup>st</sup> of October 2007, <http://search.proquest.com/docview/467153412?accountid=8013>. [accessed on January 17, 2018].

of the defendants, the sniper who turned out to have begun the shooting, received the life sentence for murder. The other three members of the company have been convicted and jailed for 30 years for voluntary homicide and use of machine guns to produce violent crimes.<sup>34</sup>

As a result of this morbid event, besides triggering the series of research on the company's activities, the critics are increasingly accentuated and more categorical against it, losing their credibility and being called *mercenaries* more often.

This process was an epilogue for *Blackwater's* story, which began as a military and police training opportunity in North Carolina, coming to be associated with a group of modern international renowned mercenaries who became the subject of investigation for the departments of the US justice.

However, the company's operations were not limited to this incident. Around 1,000 *Blackwater* contractors have secured diplomats during this Iraqi conflict. Later, even the CIA hired them for secret missions involving the pursuit and killing of Al-Qaeda agencies around the world, but this collaboration ceased without materializing anything, before any assassination took place.<sup>35</sup>

Despite the fact that the dealings between the company and the CIA have not come to an end, the fact that the *Blackwater* employees agreed to carry out this operation in exchange for considerable sums of money, outlines the characteristic traits that are getting closer to the mercenaries of the past times, being now perceived more as aggressors than as defenders who are focused on costs, and not on the safety they have to offer.

Therefore, even if we try to look at *Blackwater* as a private security company, thinking about the services they have provided since they came to the market, it is impossible, because it is always overshadowed by the cruel way the company operated in more recent times, actions that led to the creation of *Blackwater's* image in the literature as the most powerful army of mercenaries.

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<sup>34</sup> Matt Apuzzo, "Blackwater Guards Found Guilty in 2007 Iraq Killings", in *The New York Times*, 22<sup>nd</sup> of October 2014, [http://www.nytimes.com/2014/10/23/us/blackwater-verdict.html?\\_r=0](http://www.nytimes.com/2014/10/23/us/blackwater-verdict.html?_r=0). [accessed on January 17, 2018].

<sup>35</sup> *Ibidem*.

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